

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to adopt the following DCYF rule:

USE OF PHYSICAL FORCE OR CORPORAL PUNISHMENT

In compliance with the federal court order relating to RI Training School residents, the accreditation standards of the American Correctional Association (ACA) for Juvenile Training Schools and Juvenile Detention Facilities and the opening of new facilities, this proposed rule describes permissible use of force by staff and forbids corporal punishment of residents.

In the development of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3685). Interested persons should submit data, views or written comments by July 6, 2010 to Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Use of Physical Force or Corporal Punishment

Rhode Island Department of Children, Youth and Families
Division of Juvenile Correctional Services: Training School

Policy: 1200.1207

Effective Date:

Version: 1

Each resident detained or committed to the Rhode Island Training School receives humane and dignified treatment at all times, with full respect for his/her personal dignity and right to privacy consistent with his or her treatment plan. The Division provides care, and treatment programs support optimum rehabilitation of residents. Corporal punishment and/or the use of excessive or inappropriate levels of force are strictly prohibited in all circumstances.

Related Procedure

Use of Physical Force or Corporal Punishment

Related Policy

Use of Restraint at the RI Training School

Use of Physical Force or Corporal Punishment

Procedure from Policy 1200.1207: Use of Physical Force or Corporal Punishment

- A. Staff must avoid unnecessary physical contact with residents.
- B. No staff may use corporal punishment with any resident under any circumstance.
 - 1. Corporal punishment is the intentional infliction of physical pain as a method of changing behavior.
 - 2. Corporal punishment may include but is not limited to hitting, slapping, punching, kicking, pinching, shaking, use of objects or painful body postures.
- C. Staff utilize restraints in conformance with DCYF Policy 1200.0832, Use of Restraint at the RI Training School.
- D. Physical force is used only when staff or resident is in imminent risk of serious bodily harm and no other option is available.
 - 1. To avoid the use of physical force, staff employ techniques demonstrated in Department training including but not limited to: verbal counseling or warning of the resident, putting physical distance between staff and resident and/or calling for assistance.
 - 2. If no other option is available, staff utilize a level of force which is less than or equal to that displayed by the resident.
 - 3. Staff desist from use of force as soon as the resident no longer presents the imminent threat of serious bodily harm.
 - 4. Residents involved in an incident receive immediate physical examination and treatment.
- E. Employees utilizing physical force must report such incidents in an "Incident Physical Restraint Report-Resident" within the shift on which the incident occurs.
- F. Employees observing or aware of the use of corporal punishment must report such incidents immediately to their supervisor, the Master Control Center or the Administrator and the Child Protective Services (CPS) Child Abuse and/or Neglect Hotline in conformance with DCYF Policy 500.0060, Processing and Notifications for an Alleged Institutional Abuse/Neglect Case.
- G. Paragraphs A – F are consistent with American Correctional Association Standards 3-JDF-3A-30 and 3-JTS-3A-31.